

**UNITED STATE DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION**

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CG4, LLC, dba CHEF GEOFF'S-TYSONS CORNER,  
and GEOFF TRACY,

Case No. 1:18-cv-00360-AJT-IDD

Plaintiffs,

v.

The VIRGINIA ALCOHOLIC BEVERAGE CONTROL  
AUTHORITY, et al.,

Defendants.

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**PARTIES' PROPOSED DISCOVERY PLAN**

On June 1, 2018, the parties conferred regarding the course of discovery and to create a proposed discovery plan pursuant to Rule 26(f) and this Court's Order, Doc. 18. The parties hereby submit this Joint Report and Proposed Discovery Plan:

1. Rule 26(f) Conference: Counsel for the parties conferred as required by Rule 26(f) on June 1, 2018.

2. Rule 26(a)(1) Disclosures: The parties agree to provide initial disclosures on or before June 15, 2018, which is 14 days from the date the parties met pursuant to Rule 26(f).

3. Discovery:

A. Pursuant to this Court's Order, discovery will be completed by October 12, 2018.

B. The parties do not anticipate any issues regarding the preservation of electronically stored information, nor do they anticipate a need for a protective order but will seek one if necessary when the issue arises.

C. The parties do not think it necessary that discovery be conducted in phases.

D. The parties do not believe that any changes need to be made to the default federal rules regarding the number of permissible interrogatories, requests for production, or requests for admission, and do not seek modification of this Court's Order that a party may not exceed five non-party, non-expert witness depositions and may not serve on any other party more than thirty interrogatories including parts and subparts without leave of court. Responses to all discovery requests shall be due thirty days after service unless otherwise specified.

E. Pursuant to Local Rule 26(C), objections to any interrogatory or request shall be served within fifteen days after service of the interrogatory or request.

F. The Parties may take a maximum of five non-party, non-expert depositions, without leave of court. Each deposition shall be limited to a maximum of one day of seven hours of actual testimony, unless extended by agreement of the parties.

G. Plaintiffs shall disclose any experts who may be called to testify at trial and provide reports called for in Fed. R. Civ. P. 26(a)(2)(B) on or before July 30, 2018, or 74 days prior to the completion of discovery.

H. Defendants shall disclose any experts who may be called to testify at trial and provide reports called for in Fed. R. Civ. P. 26(a)(2)(B) on or September 3, 2018, or 39 days prior to the close of discovery.

I. Plaintiffs shall disclose any rebuttal to Defendants' disclosure on or before September 27, 2018, or 15 days prior to the close of discovery.

J. The production of privileged or protected documents (including electronic documents) without the intent of waiving that privilege or protection does not constitute a waiver.

Any documents identified as inadvertently disclosed should be promptly returned to the disclosing party.

4. Additional Issues:

A. The parties acknowledge that they have discussed their claims and defenses and the possibility of settlement by and through their respective counsel.

B. The parties do not consent to a magistrate judge ruling on dispositive motions, or presiding over trial.

DATED: June 4, 2018.

Respectfully Submitted,

/s/ Thomas A. Berry

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*Counsel for Defendants*

## **CERTIFICATE OF SERVICE**

THIS IS TO CERTIFY that on June 4, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which also served all parties electronically.

DATED: June 4, 2018.

Respectfully Submitted,

/s/ Thomas A. Berry

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